

20-cv-06643 EAW

Revised 03/06 WDNV

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



FORM TO BE USED IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
(Prisoner Complaint Form)

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name And Prisoner Number of Plaintiff: NOTE: If more than one plaintiff file this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.

1. JAMES OLIVER Young (Jail ID 268697)
2. _____

-VS-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.

1. DOUGLAS BROOKS
2. _____
3. _____
4. _____
5. _____
6. _____

2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name and Prisoner Number of Plaintiff: JAMES OLIVER YOUNG (ID 268697)
Present Place of Confinement & Address: 130 PLYMOUTH AVENUE SOUTH
ROCHESTER NY 14614

Name and Prisoner Number of Plaintiff: _____
Present Place of Confinement & Address: _____

DEFENDANT'S INFORMATION NOTE: To provide information about more defendants there is room for here, use this format on another sheet of paper.

Name of Defendant: DOUGLAS BROOKS
~~LAST KNOWN 68 STONEY LONSOME RD HUNKOE FALLS NY 14472~~

(If applicable) Official Position of Defendant: _____

(If applicable) Defendant is Sued in ☒ Individual and/or _____ Official Capacity

Address of Defendant: LAST KNOWN 68 STONEY LONSOME ROAD
HUNKOE FALLS, NY 14472

Name of Defendant: _____

(If applicable) Official Position of Defendant: _____

(If applicable) Defendant is Sued in _____ Individual and/or _____ Official Capacity

Address of Defendant: _____

Name of Defendant: _____

(If applicable) Official Position of Defendant: _____

(If applicable) Defendant is Sued in _____ Individual and/or _____ Official Capacity

Address of Defendant: _____

PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

- A. Have you begun any other lawsuits in state or federal court dealing with the same or related to the same as this action?
Yes _____ No ☒

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same or related to the same as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket or Index Number: _____

4. Name of Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes _____ No _____

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

_____ Dismissed (check the box which indicates why it was dismissed):

_____ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

_____ By court for failure to exhaust administrative remedies;

_____ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

_____ By court due to your voluntary withdrawal of claim;

_____ Judgment upon motion or after trial entered for

_____ plaintiff

_____ defendant.

B. Have you begun any other lawsuits in federal court which relate to your imprisonment?

Yes _____ No X

If Yes, complete the next section. NOTE: If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. District Court: _____

3. Docket Number: _____

4. Name of District or Magistrate Judge to whom case was assigned: _____

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes _____ No _____

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

Dismissed (check the box which indicates why it was dismissed):

- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- ☐ By court for failure to exhaust administrative remedies;
- ☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- ☐ By court due to your voluntary withdrawal of claim;

Judgment upon motion or after trial entered for

- ☐ plaintiff
- ☐ defendant.

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for a proceeding under 42 U.S.C. § 1983. (This list does not include all possible claims.)

- | | | |
|--------------------|------------------------|--------------------------|
| • Religion | • Access to the Courts | • Search & Seizure |
| • Free Speech | • False Arrest | • Malicious Prosecution |
| • Due Process | • Excessive Force | • Denial of Medical Care |
| • Equal Protection | • Failure to Protect | • Right to Counsel |

Please note that it is not enough to just list the ground(s) for your action. You must include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you. Do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted, and to identify the nature of the case so it may be assigned the proper form of trial." *Simmons v. Abruzzo*, 83 F.3d 86 (2d Cir. 1995). Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate you have exhausted your remedies for each claim you assert in this action.

A. FIRST CLAIM: On (date of the incident) UNDER CHILDS VICTIM ACT,
defendant (give the name and position held of each defendant involved in this incident) _____

did the following to me (briefly state what each defendant named above did):
SEE ENCLOSED

The constitutional basis for this claim under 42 U.S.C. § 1983 is: _____

The relief I am seeking for this claim is (briefly state the relief sought): _____

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? NA Yes _____ No _____ If yes, what was the result? _____

Did you appeal that decision? NA Yes _____ No _____ If yes, what was the result? _____

Attach copies of any documents that indicate that you have exhausted the

If you did not exhaust your administrative remedies, state why you did not do so:
NA

A. SECOND CLAIM: On (date of the incident) NA,
defendant (give the name and position held of each defendant involved in this incident) _____

did the following to me (briefly state what each defendant named above did): _____

The constitutional basis for this claim under 42 U.S.C. § 1983 is: _____

The relief I am seeking for this claim is (briefly state the relief sought): _____

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? _____ Yes _____ No If yes, what was the result? _____

Did you appeal that decision? _____ Yes _____ No If yes, what was the result? _____

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: _____

If you have additional claims, use the above format and set them out on additional sheets of paper.

6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

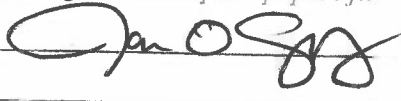
NA

Do you want a jury trial? Yes _____ No _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 23, 2020
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.



Signature(s) of Plaintiff(s)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMES "OLIVER" YOUNG

Petitioner - Plaintiff

V. (against)

DOUGLAS BROOKS

Defendant,

"CHILD VICTIMS ACT"

CIVIL ACTION NO

20-CV-6643 EAW

JURY TRIAL DEMANDED

I) COMPLAINT:

Generally and liberally construed complaint of JAMES OLIVER YOUNG herein after known as Plaintiff, brings first hand knowledge in regards to the above complaint against DOUGLAS BROOKS, herein after known as Defendant, and does state as follows; under "Pro Se"

II) PARTIES, JURISDICTION AND VENUE:

- 1) Plaintiff, (James Oliver Young) who does reside in MONROE COUNTY Jail, 130 PLYMOUTH AVENUE SOUTH ROCHESTER NY 14614
- 2) Plaintiff is, and all times mentioned Herein, was a "child" now an adult CITIZEN of the UNITED STATES OF America and a resident of the STATE OF New YORK.
- 3) Defendant, (DOUGLAS BROOKS) whose last known address was 68 STONY LONSOME ROAD Honeoye Falls NY 14472.
- 4) Defendant is, and at all times mentioned

Herein, AN Adult citizen of the United States of AMERICA, AND A resident of the State of New York.

5) This action arises AND is brought pursuant to, FEBRUARY 14, 2019, NEW YORK STATE enacted the CHILDS VICTIMS ACT ("CVA") (L.2019 c.11) which, inter alia, (1) extended the statute of limitations on criminal cases involving certain sex offenses against children under 18 (SEE CPL 30.10 [f]); (2) extended the time which civil actions based upon such criminal conduct may be brought until the child victim reaches 55 years old (SEE CPLR 208 [b]; and (3) opened a (1) one-year reviving civil actions for which the statute of limitations had already run (even in cases that were litigated and dismissed on limitations grounds) commencing August 14, 2019 (SEE CPLR 214-g).

6) the complaint did arise within this district of WESTERN, NEW YORK, therefore judicial venue is proper for "CVA" action and REMEDY AND RELIEF.

III) PREVIOUS LAWSUIT BY PLAINTIFF:

As of this ~~the~~ date, Plaintiff has filed no OTHER LAWSUITS dealing with the same facts involved in this action or otherwise related to above mentioned "STATUTE".

IV) STATEMENT OF CLAIM:

AT all relevant times AND APPROXIMATE DATES, AND Plaintiff's "FIRST HAND" Knowledge, Defendant did Act wrongfully AND willingly AND regularly under the "CHILD VICTIMS ACT" ("CVA"). Facts ARE set forth more fully below, AND this "Pro Se" complaint should also be allowed to be "liberally" CONSTRUED as well.

V) STATEMENT OF FACTS:

this plaintiff does have "first hand" Knowledge of the alleged conduct within the inside of the filed complaint AS he remembers to the very best of his Ability. ON or about the YEARS of 1975 to 1978, Plaintiff's family were part of a church located in the town of Rusit, NY. Defendant WAS A deacon AT said church + had other responsibilities, (I do remember A classroom). During time defendant did be friend plaintiff's family, especially his mother for she was the MINISTER to the church at said time. Plaintiff AND Defendant's families became social AND friendly to which they spent some time together. Church events, bake SALES AND pot luck dinners, AS well as After church activities seemed like the NORM, and families became close friends. During this time, defendant convinced Plaintiff's parents to let him stay over AT his home in Henrietta, New York on some of the weekends to play.

Defendants Kids were same age or close to Plaintiff's own age. Defendant disguised his interest to Plaintiff by convincing Plaintiff's parents that he would teach all the kids bible study + church activities while Plaintiff was in his care. Defendant's kids, Kim Jennifer + Daniel (now deceased) as said, were very close in age, so plaintiff's parents did not question Defendants motives. Plaintiff does remember defendants home as being a split level with stairs leading up to kids rooms and a bathroom, with a downstairs (he believes) is where a T.V. room and Defendants bedroom was located. Plaintiff remembers an instance where he was over one weekend, where he was sleeping on the floor in Daniels room (he remembers a crib) when Defendant snuck in and pulled Plaintiff's covers off and massaged Plaintiff's buttocks, legs and back. He then turned plaintiff where he lay his back so he is in a position over Plaintiff where he touched his penis to Plaintiff's and moved back and forth. It was semi-dark in room, but Plaintiff recognized his voice in the dark of the defendant, who told him be still. Plaintiff tried to pretend he was asleep and did try and roll over onto his side. This is when Defendant pressed his penis against Plaintiff's thigh and buttocks from the side. He then moved

back and forth, all the while, Plaintiff was tossing and turning pretending to be asleep and making asleep noises hoping it would deter Defendants attack. Upon another instance, Defendant had Plaintiff sleep down in T.V. room with the girls in a sleeping bag. He mentioned it "would be like an indoor camping trip". In the middle of the night Plaintiff felt himself being pulled from his sleeping bag, felt his underpants being pulled down, and Defendant pressed his penis against the crack of his buttocks. While he was doing this, he tried getting on top of Plaintiff, moved his penis back and forth rapidly up and down the buttocks crack. Again Plaintiff did try and move to side, trying to deter this attack, but Defendant held him down to stay in this position. Plaintiff did finally get to move to his side, but Defendant rolled him back over onto his belly and did try and enter Plaintiff's anus. This is when Plaintiff pretended to wake up and be groggy, he then heard Defendants voice whispering "ssshhh, this won't hurt and you will like it." He then did continue his rapid hip movements till he stopped and Plaintiff did feel wetness or liquid on his lower back and buttocks. Defendant did have toilet paper with him, and did clean up the wetness

Ann liqued on Plaintiff. Defendant did whisper while he was cleaning up "Felt warm didn't it?" Plaintiff did not reply and crawled back into his sleeping bag. Plaintiff did find out much later in life, that the liqued he felt was because Defendant ejaculated on him.

MORE INSTANCES AND ENCOUNTERS CONTINUED THROUGHOUT THE YEARS, AND IN FACT THEY WERE BECOMING MORE AND MORE BRAISEN ON DEFENDANT'S PART. THERE WAS A TIME WHERE DEFENDANT PUT PLAINTIFF ONTO HIS SHOULDERS AT A CHURCH AFTER SERVICE HAD, AND DID ADMIT TO PLAINTIFF "I LIKE TO FEEL YOUR TINKIER (AKA) PENIS) ON THE BACK OF MY NECK". HE THEN TOOK ME TO AN EMPTY CLASSROOM AWAY FROM EVERYONE AND PUT HIS HAND IN MY PANTS TO FEEL MY DEY PENIS. THIS TYPE OF BEHAVIOR DID HAPPEN ALMOST EVERY-
-TIME I VISITED DEFENDANT OR WAS LEFT ALONE WITH HIM. A REASONABLE PERSON CAN CONCLUDE THAT FROM THESE ACTIONS, DEFENDANT WAS A PREDATOR, AND THAT, TO THIS DAY HAS SCARED ME TO DEATH. TOWARDS THE END OF THE VISITS AND AS PLAINTIFF GOT OLDER, PLAINTIFF'S PARENT'S ASKED HIM "WHY DO YOU NOT WANT TO GO OVER TO DOUG'S (DEFENDANT) HOUSE ANYMORE? PLAINTIFF DID EXPLAIN HE WAS GETTING TO OLD TO PLAY WITH THE KIDS ANYMORE, WHEN IN REALITY, HE WAS TERRIFIED TO GO.

Some time had passed, AND I came home one day AND saw Doug Brooks' (Defendant) CAR IN our driveway LOCATED AT 7192 WEST MAIN STREET LIMA, NY 14485. AS I came into house, my older brother grabbed me and told me "to be quiet", so we snuck to our dining room located just AWAY from my parents AND Defendant so we could hear the conversation. MY father AND mother were sitting (WELL my mother was) AND father was screaming At the top of his Lungs At Defendant. He was saying "How could you do that to our children?" It was to the fact I feared my father was going to lose control of his emotions because he was so Angry. This type of emotional trauma is NOT needed by A young boy to witness. Such Anger from A father was WAY more traumatizing then one should carry a burden for his life. AT this point I remember Defendant crying AND weeping AND begging for forgiveness AND for my father not to call the Police, AND he would do anything my father wished. MY father told Defendant, in order for NO police to be called, Defendant must resign from the church AND to Resign his position AS A boy scout leader AS WELL AND to HAVE NO contact with children. Defendant Agreed, AND we AS A family did not return to the RUSH, NY church Again. The TRAUMA

Of these events and attacks, I have carried with me right up to present day. Especially as a 9th grader where I immediately started acting out against authority, teachers and such. I was even made to attend a city school one year to curb the disruptive behavior I had due to the emotional devastation created by Defendant's actions. In 9th grade, Defendant moved into my town Honeoye Falls, and his eldest daughter "KIM" was attending my grade. I remember the anger within me had reached a dangerous point, I knew it was not her fault, but it definitely was Defendant's. I had very little contact with Kim that year, but my behavior had changed dramatically. Many other signs of anger emerged, and my non-compliance with authority was really starting to show. My grades slipped off as well as my athletic activities. I churned in marijuana use, cigarettes and pills to dull my internal anguish. I knew my attacker was in my town, and he was way too close to me. **ESPECIALLY** knowing he had never been prosecuted for his crime. What makes matters even more distressing, it had come to my attention that Defendant was again a Boy Scout leader in my town as well. Knowing this fueled my anger even more against school and my own home as well.

By Mid year AS A freshman, I got suspended from school AND WAS ASKED NOT to return. My pill, cigarette AND marijuana use excelled AS WELL AS several fights AND Petty crimes from the public AND my father. I did A small stint in the LIVINGSTON COUNTY JAIL for my petty theft AND when I WAS released, my mother had ARRANGED for me to go into the NEW YORK STATE DIVISION FOR YOUTH; for she no longer could control me AND I do not blame her.

I hope my parent's ARE looking down upon me and ARE proud I AM able to finally put to words what I have been dealing with, Right up to present day AND my own demon's. The psychological, emotional fear, trauma AND humiliation Defendant had, and still inflicts is immeasurable. His blatant AND knowingly damaging Actions in my family AND even in his own, needed to be heard. But someone had to tell this, for everyone involved, past, present, future AND even the deceased like DANIEL.

II) MOTION TO COURT:

Plaintiff does understand AND acknowledges that the Court does NOT owe protection of counsel, HOWEVER, Plaintiff's "Pro Se" Application needs to be litigated through professional means. NOT

Only to respect the rules AND regulations that honor the court, but because Plaintiff's complaint holds substantial MERIT AND cause for relief.

Plaintiff's inability to pay for counsel in his own filing of "in forma pauperis" should not diminish complaints right to litigate the MATTER for the concerns of Justice AND the ongoing safety to the public itself. This complaint does contain many crucial facts and discovery that do need legal ATTENTION, AND is ARGUABLE upon LAW AND FACTS.

VI) PRAYER FOR RELIEF:

Plaintiff does hereby request AN order Defendant did Act knowingly in violation of the "CHILDS VICTIM ACT" ("CVA") (CPL 30.00 [e]) to be STATED AND recorded on record. Plaintiff also requests from court "MONETARY" damages for pain, suffering, psychological TRAUMA, humiliation, destruction of family relationships past and present, destruction of Parent child bond AND relationship, present and future medical AND psychological expenses, ATTORNEY AND All court fees, PTSD NOW AND in future, emotional distress, IN the amount of \$17,000,000.00 (Seventeen Million) dollars, with the ability to SEIZE retirement, pensions, real property, bank accounts, life INSURANCE + CASH VALUE AND ANY Alike ACCOUNTS, EVEN home OWNERS INSURANCE, summary Judgement requested.

SIGNED this 7 day of 2020 of August

NOTARY:

Sabra W Hickam

James O Young
SIGNATURE:

SABRA W HICKAM
Notary Public, State of New York
No. 01HI6295885
Qualified in Monroe County
Commission Expires January 13, 2022

JAMES O YOUNG
PRINT NAME:

I declare under penalty of perjury that the foregoing is truthful and correct.

8-7-2020
DATE

James O Young
SIGNATURE:

JAMES O YOUNG
PRINTED NAME:

MAILING DATE TO
COURT:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMES "OLIVER" YOUNG

et. al.,

Plaintiff(s),

V. (against)

DOUGLAS BROOKS

et. al.,

Defendant(s),

AFFIDAVIT

civil action

NO.

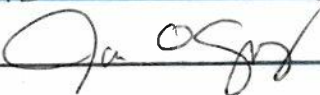
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AFFIDAVIT OF JAMES OLIVER YOUNG

I, JAMES "OLIVER" Young, being duly sworn according to the law depose and say that I am the Petitioner of the above titled proceeding.

I bring said proceeding against Defendant under the "CHILDS VICTIM ACT" ("CVA") and any and all of the information I have submitted in support of my case or Plaintiffs case, is true and correct.

Sign



JAMES O Young

Print

NOTARY

sworn to be before me

this 24 day of August,

2020.

SABRAW HICKAM
Notary Public, State of New York
No. 01HI6295885
Qualified in Monroe County
Commission Expires January 13, 2022

Sabra W Hickam